



Licensing, Health and Safety and General Purposes Committee

Date: Tuesday, 2 June 2015

Time: 6.00 pm

Venue: Committee Room 1 - Wallasey Town Hall

Contact Officer: Anne Beauchamp

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AGENDA

1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee are asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

2. MINUTES (Pages 1 - 6)

To approve the accuracy of the minutes of the meeting held on 25 March 2015.

3. APPOINTMENT OF LICENSING PANEL (Pages 7 - 10)

4. MEDICAL REQUIREMENT FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS (Pages 11 - 14)

5. EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

The following items contain exempt information.

RECOMMENDATION: That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

6. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR

To consider any other business that the Chair accepts as being urgent.

LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 25 March 2015

Present: Councillor WJ Davies (Chair)

Councillors S Niblock M Sullivan
J Salter G Watt
C Spriggs P Williams

Deputies: Councillors T Anderson (In place of L Fraser)
D Elderton (In place of A Hodson)

22 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

23 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 25 February 2015 be approved.

24 MEDICAL REQUIREMENT FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Strategic Director of Regeneration and Environment reported upon the outcome of the consultation that had taken place in respect of a review of the medical requirements for Hackney Carriage and Private Hire Drivers and the necessity to determine the future medical requirement for Hackney Carriage and Private Hire Drivers in Wirral.

The Licensing Manager informed Members of the current requirements that must be met before a Hackney Carriage or Private Hire Driver Licence may be granted which included a satisfactory medical and that following the grant of a licence, licensed drivers were not required to undertake a further medical check until they reached the age of 65 years when medical checks were then required annually on renewal of the licence.

It was reported that a number of guidance documents and recommendations had been published which included reference to the medical requirement for licensed drivers and that further to the consultation having taken place, 209 responses had been received. Members were advised that the majority of respondents (69%) stated that more regular medical checks should be undertaken by Private Hire and Hackney Carriage Drivers and that the most popular option was for medical checks to be

undertaken on initial application and thereafter every three years with checks being undertaken annually from age 65 years.

The Licensing Manager advised that the Joint Consultative Committee, at its meeting held on 23 March 2015, had supported the view that there should be an increase in the frequency of medicals undertaken by licensed drivers.

Derek Cummins, Unite the Union, attended the meeting and made representations in respect of the recommendations made in the report. He raised concerns in respect of the cost that would be incurred to drivers as this had not been indicated within the report. Mr Cummins questioned the need for new requirements being imposed by Local Authorities when it hadn't been imposed by the Government. He believed that the recommendations outlined in the report were more stringent than other Local Authorities and the requirement of the Group 2 licence holders. He raised concerns in respect of there being no justification to change the medical requirements and urged that the recommendations be rejected.

Mr Cummins responded to questions from Members of the Committee.

The Licensing Manager confirmed that there were a number of reasons that had contributed to the proposed recommendations, one of which being the outcome of the consultation. She also confirmed that the trade had supported the change in requirements and that it would be a positive step to improve the health of licensed drivers. She also referred to the Deregulation Bill and advised that the proposals would be in line with the three year renewal of licences should this come into force.

In response to questions from Members, the Licensing Manager confirmed that the cost of medicals varied in different practices and that some practices would only carry out medicals on their own patients. Members expressed their concerns regarding drivers who had been prescribed drugs for health reasons and not notified Licensing as well as certain medical conditions. Members acknowledged there would be a cost implication for drivers, however, they supported the recommendations proposed as they acknowledged their duty to ensure the safety of the public.

It was moved by Councillor S Niblock and seconded by Councillor J Salter that

—

“(1) Members adopt the following Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers:

Medical checks are undertaken by a General Practitioner in the medical practice to which the individual is registered on initial application and thereafter every three years with checks being undertaken annually from age 65.

(2) Members confirm that the standards applied to the medical examination required to be undertaken by Private Hire and Hackney Carriage drivers are the Group 2 medical standards applied by the DVLA and that the medical form attached at Appendix 5 of the report is adopted to be used by doctors undertaking the medical.

(3) Members set the implementation of the Policy to be effective from 1 August 2015 requiring each driver to present a satisfactory medical certificate for their first renewal from this date.

Resolved –

(1) That the following Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers be adopted:

Medical checks are undertaken by a General Practitioner in the medical practice to which the individual is registered on initial application and thereafter every three years with checks being undertaken annually from age 65.

(2) That the medical form attached at Appendix 5 of the report be adopted to be used by doctors undertaking the medical and that the standards applied to the medical examination required to be undertaken by Private Hire and Hackney Carriage Drivers are the Group 2 medical standards applied by the DVLA.

(3) That the Policy be implemented to be effective from 1 August 2015 requiring each driver to present a satisfactory medical certificate for their first renewal from this date.

25 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

The Strategic Director of Regeneration and Environment submitted a report requesting Members to determine the Policy that should be applied for the granting of a new Private Hire Driver Licence to a currently licensed Hackney Carriage Driver or a new Hackney Carriage Driver licence to a currently licensed Private Hire Driver.

The report outlined the tests that were necessary for individuals to show that they are fit and proper to hold a Private Hire or Hackney Carriage Driver Licence and, as a currently licensed driver would have satisfied these tests, it was proposed that an application submitted by a currently licensed driver would be granted without the requirement for the driver to present a certificate from the Disclosure and Barring Service or a satisfactory Medical Certificate at that time unless they were currently due to be presented under their current licence requirements. It was further proposed that the expiry date of that licence would be set in line with their existing licence in order for the driver to comply with the Council's Policy for producing updated medical certificates and certificates from the DBS for both licences concurrently.

It was moved by Councillor S Niblock and seconded by Councillor D Elderton that –

“The following Policy for granting a new Private Hire or Hackney Carriage Driver Licence to a currently licensed Hackney Carriage or Private Hire Driver be adopted:

The current holder of a Hackney Carriage Driver Licence may be granted a Private Hire Driver Licence and the holder of a Private Hire Driver Licence may be granted a Hackney Carriage Driver Licence without the requirement for the

applicant to produce a Disclosure and Barring Certificate or a satisfactory medical certificate other than in accordance with the requirement placed on them under their current Hackney Carriage or Private Hire Driver Licence. The expiry date of the second licence applied for will be the same as their current Hackney Carriage or Private Hire Driver Licence and this will be the case in circumstances where the driver surrenders their existing licence.”

Resolved – That the following Policy for granting a new Private Hire or Hackney Carriage Driver Licence to a currently licensed Hackney Carriage or Private Hire Driver be adopted:

The current holder of a Hackney Carriage Driver Licence may be granted a Private Hire Driver Licence and the holder of a Private Hire Driver Licence may be granted a Hackney Carriage Driver Licence without the requirement for the applicant to produce a Disclosure and Barring Certificate or a satisfactory medical certificate other than in accordance with the requirement placed on them under their current Hackney Carriage or Private Hire Driver Licence. The expiry date of the second licence applied for will be the same as their current Hackney Carriage or Private Hire Driver Licence and this will be the case in circumstances where the driver surrenders their existing licence.

26 **PROPOSED LOCAL ELECTION FEES AND CHARGES STRUCTURE**

The Head of Legal and Member Services reported upon the proposed fees paid to the Returning Officer and his staff employed to undertake various duties in connection with elections held within the Borough.

The next scheduled Borough elections would take place on 7 May 2015 and would be combined with a UK Parliamentary General Election and the proposed Local election fees for 2015/16 were set out within Appendix 1 to the report.

Members were advised that it was considered good practice that any fees paid to the Returning Officer and staff employed in relation to ensuring the effective running of local elections be considered and agreed by the Licensing, Health and Safety and General Purposes Committee. The duties and responsibilities of the Returning Officer were detailed within the report.

Members were asked to consider the fees and agree the Returning Officer fee and associated fees and were informed that the costs of the local election fees that would be payable could be met within the approved Elections Budget.

In response to questions from Members, the Head of Legal and Member Services confirmed that historically the fees paid to the Returning Officer and the staff employed to undertake election duties had been increased annually by Retail Price Index. The Head of Legal and Member Services advised that the Chief Executive would be the Returning Officer for the forthcoming elections.

Discussions took place regarding the fee that would be paid to the Returning Officer and whether this should have been taken into account in respect of his salary.

The Head of Legal and Member Services advised that the role of the Returning Officer was a distinct role and that personal liability and responsibility was attached to the role.

Resolved (8:1 Councillor T Anderson dissenting) – That the Committee agree the proposed Local Election Fees and Charges structure as set out within Table 2, Appendix 1 of the report.

27 **ANY OTHER BUSINESS - HACKNEY CARRIAGE VEHICLE LICENCE APPLICATION**

The Chair requested confirmation from all parties that they were content that the meeting was being filmed.

The applicant requested that the meeting not be filmed due to personal information that he may disclose during the meeting.

The member of the public who wished to film the meeting contested this and believed that he should be allowed to film the meeting as the item was not exempt.

It was moved by Councillor S Niblock and seconded by Councillor D Elderton that -

“The public be excluded from the meeting during consideration of this matter on the grounds that disclosure may involve providing personal financial information about individuals.”

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of this item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test had been applied and favoured exclusion.

The Strategic Director of Regeneration and Environment reported upon an application that had been received to licence a LTI TXII, registration number WX03 FPE as a Hackney Carriage Vehicle.

The applicant attended the meeting with his vehicle which was inspected by Members.

The applicant responded to questions from Members.

Resolved - That the application to license the LTI TXII, registration number WX03 FPE as a Hackney Carriage Vehicle be refused.

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WIRRAL COUNCIL

LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

2 JUNE 2015

SUBJECT:	APPOINTMENT OF THE LICENSING PANEL
WARD/S AFFECTED:	ALL
REPORT OF:	HEAD OF LEGAL AND DEMOCRATIC SERVICES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to enable the Committee to undertake a review of the Licensing Panel and to appoint Members to serve on that Panel if it is to be retained in 2015-2016. The appointment of Members to this Panel is undertaken by the parent Committee.

2.0 BACKGROUND AND KEY ISSUES

2.1 Standing Order 33(1) requires that Committees should keep the need for panels under review and, in particular, the position must be reviewed at the first meeting of a Committee in each municipal year.

Only named deputies may attend panel meetings in place of a permanent member. Standing Order 25(6)(a) permits appointment of up to a maximum of eight deputies for each political group. It should be noted that deputies are normally called to serve in the order in which they are nominated.

Unless appointed as full members, the Leaders and Deputy Leaders of the three largest political groups represented on the Council are entitled to attend meetings of all Committees, Sub-Committees and Panels, with the right to speak at the Chair's invitation, but not to vote (Standing Order 25(5) refers).

2.2 Licensing Panel

(a) Terms of Reference

(1) To consider and determine licensing/registration matters except those dealt with by this Committee, the Licensing Act 2003 Committee, or matters delegated to the Strategic Director of Regeneration and Environment.

(2) To exercise the powers and duties of the Council under the provisions of the Safety At Sports Grounds Act 1975 as regards the issue, monitoring, enforcement, review, amendment and renewal of safety certificates and the review of arrangements relating thereto.

(3) Power to license persons to collect for charitable and other causes.

(b) Membership

If the Licensing Panel was to continue with seven members as in 2014-2015, the allocation of those places has to be politically proportionate. The Membership of the Licensing Panel (including deputies) for 2014-2015 consisted of seven members in the ratio 4:2:1 as shown below:-

	<u>Members</u>	<u>Deputies</u>
4 Labour Councillors	Bill Davies (Chair) Steve Niblock Adrian Jones John Salter	Harry Smith George Davies Christina Muspratt Anita Leech Irene Williams Denise Roberts Mike Sullivan Louise Reecejones
2 Conservative Councillors	Andrew Hodson Mike Hornby	Eddie Boulton Gerry Ellis Tracey Smith Steve Williams John Hale David Elderton Leah Fraser Geoffrey Watt
1 Liberal Democrat Councillor	Pat Williams (s)	Dave Mitchell Alan Brighthouse Phil Gilchrist Christopher Carubia Stuart Kelly

2.3 If the Membership of the Licensing Panel is to continue with seven Members, the ratio would be 4:2:1.

3.0 RELEVANT RISKS

3.1 There is a requirement under the Council's Constitution that a Licensing Panel is appointed.

4.0 OTHER OPTIONS CONSIDERED

4.1 No other options were considered beyond those outlined in the report.

5.0 CONSULTATION

5.1 It is for political groups to decide how they wish to allocate their Licensing Panel places.

6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

6.1 There are no outstanding previously approved actions.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 There are no implications for voluntary, community and faith groups.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 There are no implications arising directly from this report.

9.0 LEGAL IMPLICATIONS

9.1 There are no implications arising directly from this report.

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

11.0 CARBON REDUCTION IMPLICATIONS

11.1 There are no implications arising directly from this report.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are no planning or community safety implications.

13.0 RECOMMENDATION/S

13.1 The Committee is requested:

- (i) to agree the terms of reference of the Licensing Panel set out in this report unless amended or otherwise changed by Council or the Licensing, Health and Safety and General Purposes Committee.
- (ii) to appoint members to the Licensing Panel, including the appointment of the Chairperson, Vice-Chairperson, Spokespersons and named deputies, for 2015/16.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 The Committee is required to appoint Members to serve on the Licensing Panel.

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REFERENCE MATERIAL

Previous reports on the appointment of Licensing Panel Membership and the Council's Constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing, Health & Safety & General Purposes Committee	18 June 2014
Licensing, Health & Safety & General Purposes Committee	22 May 2013
Licensing, Health & Safety & General Purposes Committee	23 May 2012

WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

2 JUNE 2015

SUBJECT:	MEDICAL REQUIREMENT FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS
WARD AFFECTED:	ALL WARDS
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is for Members to consider an amendment to the implementation date of the Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers from 1 August 2015, to 1 October 2015.

2.0 BACKGROUND AND KEY ISSUES

2.1 At their meeting on 25 March 2015 Members of this Committee resolved to adopt the following policy in respect of the medical requirements for Private Hire and Hackney Carriage Drivers:

- Medical checks are undertaken by a General Practitioner in the medical practice to which the individual is registered on initial application and thereafter every three years with checks being undertaken annually from age 65.
- The standards applied to the medical examination required to be undertaken by Private Hire and Hackney Carriage drivers are the Group 2 medical standards applied by the DVLA .
- The implementation of the Policy to be effective from 1 August 2015 requiring each driver to present a satisfactory medical certificate for their first renewal from this date.

2.2 On 26 March 2015 the Deregulation Act 2015 received Royal Assent. This Act amends the Local Government (Miscellaneous Provisions) Act 1976 to require a local authority to issue Private Hire and Hackney Carriage Driver Licences for a period of three years, or such lesser period as the district council think appropriate in the circumstances of the case; instead of the current annual Licence.

2.3 This part of the Act comes into force on 1 October 2015 and the Local Authority will be required to issue Private Hire and Hackney Carriage Driver Licences for a period of three years from that date.

2.4 It is proposed that the implementation of the Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers is brought into line with the implementation date of three year Private Hire and Hackney Carriage Driver Licences on 1 October 2015.

3.0 RELEVANT RISKS

3.1 There are none arising directly from this report.

4.0 OTHER OPTIONS CONSIDERED

4.1 There is no provision for other options to be considered.

5.0 CONSULTATION

5.1 Consultation has taken place over a six week period from 23 January 2015 until 6 March 2015.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 There are no specific implications arising from this report.

7.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

7.1 There are none.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 There are no specific implications arising from this report.

9.0 LEGAL IMPLICATIONS

9.1 A decision of the Committee may be subject to legal challenge.

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No.

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

11.1 There are no specific carbon reduction implications arising from this report.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are no Planning or Community Safety implications arising out of this report.

13.0 RECOMMENDATION/S

13.1 That Members approve a revised implementation date for the Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers of 1 October 2015.

14.0 REASON FOR RECOMMENDATION/S

14.1 To bring the implementation of the Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers in line with the requirement for three year Private Hire and Hackney Carriage Driver Licences from 1 October 2015.

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APPENDICES

BACKGROUND PAPERS/REFERENCE MATERIAL

BRIEFING NOTES HISTORY

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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